



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,936	04/16/2001	Mark Vange	CIRC017	5614

25235 7590 08/24/2004
HOGAN & HARTSON LLP
ONE TABOR CENTER, SUITE 1500
1200 SEVENTEENTH ST
DENVER, CO 80202

EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,936

Applicant(s)

VANGE, MARK

Examiner

George C Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07312002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-17 are pending and have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-3, 5, 12, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "data access requests". There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "database access requests". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "data access requests". There is insufficient antecedent basis for this limitation in the claim.

In view of claim 1, the Examiner will assume that the "web access requests" recited in claim 1 are also "database access requests" and "data access requests".

Claim 12 recites the limitation "requests for database content". There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "database access requests". There is insufficient antecedent basis for this limitation in the claim.

In view of claim 11, the Examiner will assume that the "requests for web content" recited in claim 11 are also "requests for data base content" and "database access requests".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 513 061 B1 to Ebata et al.

Regarding claim 1, Ebata discloses a web server system comprising:

a plurality of client applications coupled to a communication network and generating web access requests; (column 2, lines 21-59, specifically lines 25-32)

an intermediary server ("proxy cache server") coupled to the communication network to receive the web access requests; (column 2, lines 21-59, specifically lines 29-32)

a data storage mechanism ("server on the WAN side" or "resource") coupled to the network and having an interface for communicating with the intermediary server; (column 2, lines 21-59, specifically lines 29-32)

means within the intermediary server responsive to a received web access request for establishing a channel with the data storage mechanism to obtain data from the data storage mechanism in response to a received client request (column 2, lines 21-59, specifically lines 29-32); and

web server within the intermediary server for formatting the obtained data into a web page that responsive to a particular web access request. (column 2, lines 21-59, specifically lines 33-41)

Regarding claim 2, Ebata discloses the web server system of claim 1 wherein at least one of the client applications comprises a web browser application and the data access requests comprise HTTP requests. (column 2, lines 12-14 and 33-41)

Regarding claim 3, Ebata discloses the web server system of claim 1 wherein the intermediary server comprises a web server having a first interface for receiving the database access requests and a second interface operable communicate with the data storage mechanism interface. (column 2, lines 21-59, specifically lines 29-32)

Regarding claim 4, Ebata discloses the web server system of claim 3 wherein the intermediary server is topologically close to the client applications and topologically distant from data storage mechanism. (column 1, lines 44-57; column 2, lines 33-41)

Regarding claim 5, Ebata discloses the web server system of claim 1 wherein the intermediary server comprises:

a front-end computer (Figure 1, element 2) located topologically close to the client application and configured to receive the data access requests (column 2, lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically lines 61-65)

Art Unit: 2143

a back-end computer (Figure 1, element 7) located topologically close to the data storage mechanism and configured to communicate with the interface of the data storage mechanism (column 2, lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically 61-65); and

a communication channel ("WAN"; Figure 1, element 10) between the front-end and back-end computers (column 6, lines 50-65, specifically line 50).

Regarding claim 6, Ebata discloses the web server system of claim 5 further comprising a web server implemented within the front-end computer. (column 1, lines 44-57; column 2, lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically 61-65)

Regarding claim 7, Ebata discloses the web server system of claim 1 wherein the data storage mechanism further comprises:

a database operative to return selected database contents in response to queries; instruction processor operative to generate queries against the database and receive data returned by the database. (column 2, lines 21-59, specifically lines 29-32)

Regarding claim 8, Ebata discloses the web server of claim 7 further comprising:

means within the intermediary server (Figure 3, element 24) for generating a remote procedure call directed to the data storage mechanism; and means within the instruction processor (Figure 2, element 13) for executing the remote procedure call to generate a query against the database in response to receiving the remote procedure. (column 8, lines 28-62, specifically lines 39-40; column 14, lines 7-12; column 16, lines 5-9)

Art Unit: 2143

Regarding claim 9, Ebata discloses the web server system of claim 7 further comprising means within the instruction processor (Figure 2, element 13) generating a remote procedure call directed to the intermediary server; and means within the intermediary server (Figure 3, element 24) for executing the remote procedure call to generate web page responsive to a particular web access request. (Figure 3, element 24; column 8, lines 28-62, specifically lines 39-40; column 14, lines 7-12; column 16, lines 5-9)

Regarding claim 10, Ebata discloses the web server system of claim 1 further comprising:

a resolver mechanism ("dynamic DNS server") for supplying a network address of the intermediary server to the client applications, wherein the resolver mechanism dynamically selects a particular intermediary server from amongst a plurality of intermediary servers. (column 4, lines 34-56, specifically lines 49-56)

Regarding claim 11, Ebata discloses a method for serving web-based content comprising:

providing a communication network; ("WAN")

generating requests for web content using a plurality of client applications coupled to the network; (column 2, lines 21-59, specifically lines 25-32)

providing an intermediary server ("proxy cache server") coupled to the network to receive the requests for web content from client applications; (column 2, lines 21-59, specifically lines 29-32)

providing a data server ("server on the WAN" or "resource") coupled to the network and having an interface for communicating with the intermediary server; (column 2, lines 21-59, specifically lines 29-32)

causing the intermediary server to access the data server in response to receiving a request from a client application; (column 2, lines 21-59, specifically lines 29-32)

using the intermediary server, generating a web page using the database content obtained from the data server; and delivering the web page to the client application that generated the request for database content. (column 2, lines 21-59, specifically lines 33-41)

Regarding claim 12, Ebata discloses the method of claim 11 wherein generating requests for database content comprises generating an HTTP request. (column 2, lines 12-14 and 33-41)

Regarding claim 13, Ebata discloses the method of claim 11 wherein the intermediary server is topologically close to the client applications and topologically distant from the data storage mechanism. (column 1, lines 44-57; column 2, lines 33-41)

Regarding claim 14, Ebata discloses the method of claim 11 wherein the step of providing an intermediary server comprises:

providing a front-end computer (Figure 1, element 2) located topologically close to the client application and configured to receive the database access requests; (column 2, lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically lines 61-65)

providing a back-end computer (Figure 1, element 7) located topologically close to the data storage mechanism and configure to communicate with the interface of the data storage mechanism (column 2, lines 21-59, specifically lines 29-32; column 6, lines 50-65, specifically 61-65); and

maintaining a communication channel ("WAN"; Figure 1, element 10) between the front-end and the back-end computers. (column 6, lines 50-65, specifically line 50)

Regarding claim 15, Ebata discloses the method of claim 11 further comprising:
causing the intermediary server to issue a remote procedure call to the data server over the established channel to initiate the transport of data. (column 8, lines 28-62, specifically lines 39-40; column 14, lines 7-12; column 16, lines 5-9)

Regarding claim 16, Ebata discloses the method of claim 11 further comprising:
causing the data server issue a remote procedure call to the intermediary server over the established channel to initiate the formatting and delivery of the database content using the data obtained from the data server. (column 8, lines 28-62, specifically lines 39-40; column 14, lines 7-12; column 16, lines 5-9)

Regarding claim 17, Ebata discloses the method of claim 11 further comprising:
supplying a network address of the intermediary server to the client applications by dynamically selecting a particular intermediary server from amongst a plurality of intermediary servers. (column 4, lines 34-56, specifically lines 49-56)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5 956 716 A to Kenner et al;

US Patent 6 233 618 B1 to Shannon;

Srinivasan, R. "Request for Comments (RFC) 1831 - RPC: Remote Procedure Call Protocol Specification Version 2", Network Working Group, August 1995, 18 pages.


Howe, Denis. "Proxy Server", publicly posted 14 February 1995,
<<http://foldoc.doc.ic.ac.uk/foldoc/foldoc.cgi?query=proxy+server&action=Search>>, 1
page.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Thursday 1-2pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn


DAVID WILEY
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2100